

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT  
FOR THE Eastern DISTRICT OF TEXAS  
Tyler DIVISION

**FILED**

SEP 16 2024  
Clerk, U.S. District Court  
Texas Eastern

James D. Williams #2168331  
Plaintiff's Name and ID Number  
Beto Unit, 1391 FM 3328  
Tennessee Colony, Texas 75880

Place of Confinement  
*First Amended Complaint*

CASE NO. 6:24-cv-00303  
(Clerk will assign the number)

v.

Ezenwanyi Onwuchekwa, A.P.R.N. Provider In Her Official and  
Defendant's Name and Address Individual Capacity  
Beto Unit Medical Dept.  
1391 FM 3328, Tennessee Colony, Texas 75880

Defendant's Name and Address

Defendant's Name and Address  
(DO NOT USE "ET AL.")

**INSTRUCTIONS - READ CAREFULLY**

**NOTICE:**

**Your complaint is subject to dismissal unless it conforms to these instructions and this form.**

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACKSIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

**FILING FEE AND *IN FORMA PAUPERIS* (IFP)**

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or a initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

**CHANGE OF ADDRESS**

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE OF THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

**I. PREVIOUS LAWSUITS:**

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? <sup>XXX</sup>YES \_\_\_ NO
- B. If your answer to "A" is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
  1. Approximate date of filing lawsuit: 2002
  2. Parties to previous lawsuit:  
 Plaintiff(s) James D. Williams  
 Defendant(s) Dr. Ken Kuykendall
  3. Court: (If federal, name the district; if state, name the county.) Eastern District Texas
  4. Cause number: Can Not Remember and have no records
  5. Name of judge to whom case was assigned: Honorable Judith Guthrie
  6. Disposition: (Was the case dismissed, appealed, still pending?) Abandoned by plaintiff
  7. Approximate date of disposition: 2005

II. PLACE OF PRESENT CONFINEMENT: Beto Unit, Tennessee Colony, Texas

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? XXX YES \_\_\_ NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.  
Copies OF GRIEVANCES WERE SENT WITH THE ORIGINAL COMPLAINT.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: James D. Williams #2168331  
Beto Unit, 1391 FM 3328  
Tennessee Colony, Texas 75880

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.  
In The Official and Individual Capacities of

Defendant #1: Ezenwanyi Onwuchekwa, A.P.R.N., FNP, Provider/Medical  
Beto Unit 1391 FM 3328, Tennessee Colony, Texas 75880

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.  
V Violated My 8th & 14th amendment Rights to the U.S. Constitution  
Denied Serious Medical Needs, Deliberate Indifference, Cruel & Unusual  
Punishment and Discriminatorily placed Plaintiff's Safety at HIGH RISK  
Defendant #2: \_\_\_\_\_

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.  
\_\_\_\_\_

Defendant #3: \_\_\_\_\_

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.  
\_\_\_\_\_

Defendant #4: \_\_\_\_\_

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.  
\_\_\_\_\_

Defendant #5: \_\_\_\_\_

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.  
\_\_\_\_\_

## V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

SEE ATTACHED PAGES OF STATEMENT OF CLAIMS

## VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

See attached page of Relief

## VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

James Dale Williams

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

#2168331, 556322 that I can remember

## VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? \_\_\_\_ YES XXX NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): \_\_\_\_\_

2. Case number: \_\_\_\_\_

3. Approximate date sanctions were imposed: \_\_\_\_\_

4. Have the sanctions been lifted or otherwise satisfied? \_\_\_\_ YES \_\_\_\_ NO

Page 4 A

V. STATEMENT OF CLAIMS

The actions of the Defendant, Ezenwanyi Onwuchekwa did deny Plaintiff Vital medical supplies previously prescribed by several other Specialist, doctors and providers since 1998 and other medical supplies prescribed more recently in 2019 and represcribed by several other specialist, doctors and providers who all agreed on the exact same diagnoses which did cause bodily injury and Respiratory complications , breathing problems and side effects, which was done sadistically and maliciously and constituted Cruel and Unusual Punishment and Deliberate Indifference in violation of the Eighth and Fourteenth Amendment of the U.S. Constitution. She also violated the rules, policies and law that govern the Americans With Disabilities act as the plaintiff has been deemed 100% disabled by the determination of the Social Security Administration since 2015, collecting 100% disability pay and healthcare since 2 years prior to his present incarceration of present date. Plaintiff would please like to ask Judge Love to order a Spears Hearing for more concise and thorough details of events pertaining to his claims

Respectfully,  
James D. Williams  
Plaintiff of Record  
James D. Williams

PAGE 4 B

VII. Relief Requested

Wherefore, Plaintiff requests that the court grant the following relief:

- A. Issue a Declaratory judgement stating that:
  - 1. The actions of the Defendant Ezenwanyi Onwuchekwa, violated the Plaintiff's rights under the Eighth and Fourteenth Amendment of the U.S. Constitution.
- B. Issue an injunction ordering the Texas Department of Criminal Justice to:
  - 1. Immediately transfer plaintiff to a facility better equipped to address all his medical need.
- C. Grant such other relief as it may appear plaintiff is intitled.
- D. Pay the filing fee and legal expenses, *by Defendant.*

C. Has any court ever warned or notified you that sanctions could be imposed? \_\_\_\_\_ YES~~xxx~~ NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): \_\_\_\_\_
2. Case number: \_\_\_\_\_
3. Approximate date warning was issued: \_\_\_\_\_

Executed on: 9-7-24  
DATE

James D. Williams  
James D. Williams  
(Signature of Plaintiff)

### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 7th day of September, 20 24.  
(Day) (month) (year)

James D. Williams  
James D. Williams  
(Signature of Plaintiff)

**WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.**